

AGENDA
CHARTER REVISION BOARD
OF
THE CITY OF FORT LAUDERDALE

DATE: Thursday, December 3, 2009

TIME: 5:30 p.m.

PLACE: 1st Floor - City Commission Meeting Room
City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301

1. Approve Minutes from November 5, 2009 meeting.
2. Discuss any issues from City Commission Workshop meeting held December 1, 2009.
3. Public input - time allowing.
See Exhibit 1
4. Issues for future agendas.
5. Old business.
See Exhibit 2
6. New business.
7. Adjourn.

***PURPOSE:** Advise the City Commission on the propriety of the existing charter and, further, to make such suggestions and recommendations to perfect said charter so as to establish a better government of and for the City.

NOTE: Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading meeting agendas and minutes, please contact the City Clerk at (954) 828-5002 and arrangements will be made to provide these services to you.

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
November 5, 2009**

The meeting was called to order at 5:36 p.m. on the above date by Chairman Ketcham in the City Commission Meeting Room of City Hall.

Roll call showed:

Present: Mark E. Ketcham, Chair
Alain Jean
E. Clay Shaw

Absent: Maria Del Rosario Lescano
Judy Stern

Also Present: Julie Richards, Assistant To The City Manager
John Herbst, City Auditor
Jonda K. Joseph, City Clerk
Harry A. Stewart, City Attorney

1. Approve Minutes – October 1, 2009

Motion made by Mr. Shaw and seconded by Mr. Jean to approve the minutes of the October 1, 2009 meeting. Roll call showed: YEAS: Members Jean and Shaw and Chairman Ketcham. NAYS: None.

2. Communications to the City Commission

The City Clerk outlined the City Commission's policy on communications from their advisory boards. At the board's first meeting, there was discussion of a joint workshop with the Commission, which was essentially such a communication. That communication went to the Commission and they decided to schedule such a workshop with the board on December 1, 2009, at noon, on the 8th floor of City Hall, with lunch.

In response to Chairman Ketcham's question, the City Attorney advised that the board's action on October 1st about the five-year finance plan has not yet been communicated to the Commission. An ordinance will be provided to the board next month, which will then be provided to the Commission.

3. Public Input

Chairman Ketcham thought if there are additional items from the public that the board or staff receives, the board may wish to provide a list of those items to the Commission for the December 1st workshop.

Robert Walsh, Fort Lauderdale resident, expressed concern about the length of the City Commission meetings and safety in commuting home. He suggested starting the conference meeting at 11 a.m. and presentations and recognitions be handled during the afternoon session. He was also concerned about matters being discussed in a late

hour when some people are not present. Chairman Ketcham agreed to put this item on the list for discussion at the December 1st workshop. Copies of Mr. Walsh's letter of October 26, 2009 and Ms. Stern's memorandum on this matter, dated November 5, 2009, are attached to these minutes.

Mr. Walsh was concerned about his inquiry to Ms. Stern and her response. Chairman Ketcham suggested he discuss this at the board's next meeting on December 3rd.

Mr. Shaw commented about the starting time of discussion items by the Commission when he was mayor was 8 a.m. and the regular meeting followed. In response to his question, the City Attorney advised that the charter indicates that all official actions of the Commission must occur after six o'clock to allow the public to participate.

Mr. Jean felt most of the complaints have to do with the desire for a definite end-time. The City Attorney elaborated upon the scheduling needs for quasi-judicial matters. He agreed with Mr. Jean.

Richard Mancuso, Fort Lauderdale resident, referred to charter issues he sent to the board under the categories of organization, management, performance, commission, meetings, transparency, government finance, charter revision board, citizens and other. A copy is attached to these minutes.

Chairman Ketcham wanted Mr. Mancuso to highlight key items and staff to provide a status on the items because the board is new.

In response to Mr. Jean, the City Attorney advised it is a matter of deciding on whether to amend the charter and to what extent of detail. Most of the items can be addressed by ordinance which leaves it to the decision of the City Commission.

Mr. Mancuso explained that if written as an ordinance, it can be repealed, which is the danger. He indicated that the information was organized by category as opposed to priority. He emphasized anything having to do with ethics.

Mr. Jean thought some of the items could be clarified at the joint workshop.

Mr. Mancuso pointed to election terms and cycles. There was discussion in 2004 and nothing was done. With the upcoming census, it is a good time to discuss this as well as any possible district changes.

Chairman Ketcham commented that in order to discuss a topic, the county charter board first requires a majority vote. He suggested this rule be followed for this board as anything that would ultimately be recommended to the Commission would require a majority vote. Because of the April deadline, he wanted to start narrowing down topics by December-January.

4. Issues for Future Agendas

Chairman Ketcham anticipated much of the board's agenda will come out of the December 1st workshop.

5. **Old Business** - none

6. **New Business** - none

There being no other matters to come before the board, the meeting was adjourned at 6:03 p.m.

To: Atty. (Attorney) Harry Stewart
 From: ROBERT WALSH
 Of:

Date: Oct 24, 2009 11:17 am
 Area Code
 Number
 Ext.

M Dear Attorney Stewart,
 E After speaking with the chair
 S of the Charter Revision Committee (MR. Mark Kethum) he
 S instructed me to send you this letter respectfully
 A requesting that you put on the Agenda my request to
 B discuss what to do about the City Commission
 E meetings adjourning after 3.00Am.

I have a few suggestions such
 as starting the Conference meeting at 11.00 am
 instead of 1.30Pm and also thinking about having
 the City Commission meetings once a week instead of
 every other week.

These meetings going so late into
 the night is causing a public safety issue.

Could you please set this for
 discussion with The Charter Advisory Board for
 futher discussion so the Commission can give it
 some serious consideration. Hopefuuly for the
 Charter's next meeting on November 5, 2009.

Respectfully,

Robert Walsh
 401 East Las Olas Blvd
 Bldg 130-166
 Fort Lauderdale, Fla-33301

Robert Walsh
10/26/2009

Msg. taken by ROBERT

CITY CLERK

2009 NOV 23 AM 9:33

(054) 828 5915

2009 OCT 26 PM 12:00

RECEIVED
 FT. LAUDERDALE
 CITY ATTORNEY'S OFFICE

MEMORANDUM

To: Mark E. Ketcham, Charter Review Board, Chair
Harry A. Stewart, City Attorney
Jonda K. Joseph, City Clerk

From: Judith Stern

Date: November 5, 2009

Subject: Robert Walsh's Concern on Commission Meetings

Please add this to the record of tonight's meeting:

On Friday, October 23, I received a phone call from Fort Lauderdale resident, Robert Walsh. Mr. Walsh voiced his concerns about the length of recent City Commission Meetings and felt it was an issue of concern to be addressed by Charter Review.

I advised Mr. Walsh that presently only the City Manager sets the agenda and items for consideration, and the Mayor and Commission act upon the agenda as set by the Manager. I also commended the Mayor and Commission for providing as much time as needed for a commission meeting so to permit the public to address the items placed on the agenda for consideration.

Therefore, in response to Mr. Walsh's concerns, I would at this time request an item for discussion at the joint workshop that we discuss if the responsibilities for final approval of the agenda should be shifted from the City Manager and placed under the Mayor with the requirement that the City Manager provide timely to the Mayor a draft agenda with all back up material for his review and have the Mayor make the final determination for approval all future agendas.

CHARTER ISSUES

MISSION

Develop a mission statement, evaluate adherence and revise routinely.

ORGANIZATION

- 1) Public Safety Director** - Create position of Public Safety Director **OR** in the alternative, have the Police and Fire Chiefs:
 - a) Report directly to Commission, just as the City Clerk, City Attorney, and City Auditor.
 - b) Meet minimum professional requirements for education, accreditation and experience.
 - c) Hire/fire own personnel.
 - d) Develop departmental budget.
 - e) Eliminate Assistant City Manager position in charge of public safety.
- 2) Create position of Ombudsman** - Safe haven for employees and citizens.

MANAGEMENT

- 1) Performance Reviews** -
 - a) Annual performance reviews of all appointed employees/Executive Officers should be done "in the sunshine", at a public meeting.
 - b) Creation of a standardized evaluation form.
- 2) Vote of Confidence** - Citizens should have the right, via a qualified petition process, to require that the City Commission take a formal "vote of confidence" on any appointed employee/Executive Officers.
- 3) Questions** -
 - Should the City Auditor be classified as an Executive Officer? (Sec.4.01)
 - Should the director of finance still be listed as a member or replaced by City Auditor?
- 4) Code of Conduct and Ethics rules for management.**
 - Create
 - Include restrictions on City Manager participating in City political campaigns.
- 5) Periodic Independent Review of management/administrative practices.**
- 6) Management expense review** -
 - Management expense disclosure including any funds spent on any gift, entertainment for any commissioner, employee or citizen.
- 7) Executive compensation rules.**
- 8) Divide management classifications** for purposes of approval of raises.

PROVIDED BY
RICHARD MANCUSO
NOV 5, 2009

PERFORMANCE

- 1) **Benchmarks** - Appointed employees and departments should have clearly stated annual performance goals that are made known to the public and reviewed regularly.
- 2) **Require tracking system for inquiries, complaints and suggestions.**
- 3) **Require customer/citizen surveys.**
- 4) **Raises** - Raises should be given for performance and innovation not longevity.
- 5) **COLA** - Cost of living increases, if used, should be capped and "tied" to an index.
- 6) **Sunset Rules** for positions (including budgeted, vacant and frozen), programs, committees and boards.
- 7) **Require "Best Practices" as standard.**

COMMISSION

- 1) **Strong Mayor Plan** vs. Commission/Manager Plan.
- 2) **Commission Districts** -
 - Commissioners should reside in (for at least a year before filing) and represent respective districts but be elected citywide. This would allow local representation but also necessitate the broad based knowledge and support required to address issues facing the entire City.
 - **Alternative**... district primary - citywide general election.
- 3) **Review and strengthen residency requirements to run for office and serve as Commissioner.**
- 4) **Election/term of office options**
 - a) Length
 - 2 year
 - 4 year
 - b) Cycle
 - Presidential cycle even year
 - **Non-Presidential cycle even year**
 - c) Term limits
 - Three terms
 - **Two terms**
- 5) **Stagger election terms** to retain "institutional memory."
- 6) **Number of Districts** -
 - Establish mathematical standard for district representation with population and/or geographic triggers.
 - Frequency of reapportionment beyond the census requirement.

7) Election Reform – consider:

- Reduced campaign contributions
- Limit amount spent on campaign
- Hasten full disclosure for political advertising and 527's.
- "None of the above" choice on ballot

8) Define effective date for resignation.

9) Clarify re-election/term limit rules.

10) Clarify ethics rules for Commissioners participating at public meetings.

MEETINGS

1) Agenda - Any Commissioner should have the ability to place an item directly on any agenda, independent of the City Manager and/or Mayor, respecting proper notice requirements and deadlines for publication.

2) Establish a method of ranking votes and preferences.

3) Commission votes simultaneously or Mayor does not vote last and order rotates on every vote.

TRANSPARENCY

1) Meeting Records - The records (written, video and audio) of all Commission meetings, including "closed door" sessions should be easily accessible to the public in a timely fashion. Information should be posted on the City web site, unless specifically exempted or excluded by statute or court decision.

2) Access – Public records access should be "user friendly." Post all studies, reports, documents, and presentations, even those over-sized.

3) Require tracking system for inquiries, complaints and suggestions.

4) Create an Ethics Board.

5) Review lobbyist disclosure requirements.

GOVERNMENT FINANCE

1) Limits on government growth. Reference state ballot initiative.

2) Truth in taxation disclosure (effective millage rate) - Reflect the total amount paid, including taxes and fees (third party pass-throughs -FPL). Compare taxes on per capita or other basis not just millage rate. (similar to reg. Z in lending-APR)

3) Require financial/business/strategic plans. Sec. 9.02

4) Require periodic zero based budgets or performance-based budgets.

5) Enterprise Funds - Define if/when funds may be transferred to General Fund and the requirements for repayment.

6) Standards and rules for reserves and contingency funds.

7) Standards for CIP funds.

8) Review rules for sale or conversion of public land.

CHARTER REVISION BOARD

- Meeting schedules should be independent of commission and administration.
- Require board to meet annually, or by request of one (or more) commissioner
- Clarify City Manager participation at Charter meetings.
- City Auditor should be added to Charter Revision Board
- Director of Finance still a member or replaced by City Auditor?

CITIZENS

- 1) Establish a Citizen Bill of Rights.
- 2) Qualify Advisory Boards -
 - a) Create standards for each Board and Committee.
 - b) Conduct orientation and training.
 - c) Stagger terms to preserve institutional memory.
 - d) Clarify resignation requirements when running for public office.
 - e) Clarify members' public discourse.
- 3) Require tracking system for inquiries, complaints and suggestions.

OTHER

- 1) Create NFP Foundation allowing tax-deductible donations.
- 2) "Vision" institute

TDR's

Respectfully submitted by Richard Mancuso:

Harry Stewart

From: Richard Mancuso [richardmancuso@me.com]
Sent: Sunday, November 22, 2009 9:54 PM
To: Charter Review; Harry Stewart; Jonda Joseph
Cc: Richard Mancuso
Subject: Charter Issues update

Dear Mr. Stewart and Ms. Joseph,
I regret that I will be unable to attend the joint meeting of the Charter Revision Board and City Commission on December 1st.

The issue of classifying the City Auditor as an "Executive Officer" [MANAGEMENT 3) Questions] has been clarified and it has been determined that it is not appropriate. Please withdraw the suggestion from the my list submitted on November 5th.

Please add the following for consideration:

MANAGEMENT

9) Disclosure of management level contracts and Commission review before signing.

COMMISSION

7) Election Reform -

- Establish a "Blackout Period" for 527's advertising before election.

MEETINGS

4) Establish minimum notice requirements for Commission and Public meetings.

Thank you for your consideration.

Regards,

Richard Mancuso

11/24/2009

EXHIBIT 1

ORDINANCE NO. C-09-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUIRING THE CITY MANAGER TO INCLUDE A FINANCIAL FORECAST PROJECTED FIVE YEARS INTO THE FUTURE; PROVIDING FOR APPROVAL BY THE ELECTORS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale; and

WHEREAS, the City Commission has approved certain changes to the City's Charter as recommended by the Charter Revision Board to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Charter of the City of Fort Lauderdale be, and is hereby amended to add Section 9.02 as follows:

Sec. 9.02. City manager's budget message and recommendations.

The city manager shall during the month of July in each year, submit to the city commission his budget message, estimates and recommendations, together with a proposed budget for the fiscal year beginning October 1 thereafter. The budget message submitted by the city manager shall be explanatory of the budget. The budget message shall contain an outline of the proposed financial policies of the city for the budget year, and shall describe in connection therewith the important features of the proposed budget. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. In such budget message he shall estimate receipts and disbursements for the remainder of the current fiscal year, based on information obtained from the various departments. He shall also make an estimate of the

expenditures and revenues of the city for the ensuing year; such estimate to be compiled from detailed information, and its arrangement and classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city. Schedules attached to such budget message shall show in parallel columns the following information:

- (a) The amount of moneys which he estimates will be on hand on October 1, specifying the fund or appropriation to which such moneys are credited or appropriated.
- (b) The budgeted amount for each department and fund of the city in the current budget, and the estimated surplus or deficit of each, estimated to the end of the current fiscal year.
- (c) Suggested appropriations and expenditures for corresponding items for the preceding fiscal year.
- (d) Detailed estimates of proposed expenditures for each department and fund, including all contemplated expenditures in connection with all utilities, facilities or enterprises operated by the city for the ensuing year; showing the increase or decrease of proposed appropriations for the ensuing year, as compared with expenditures for the current fiscal year and for the previous fiscal year.
- (e) Detailed estimates of anticipated income to be derived from all sources other than ad valorem tax levy.
- (f) Estimated amount necessary to be raised by ad valorem taxation.
- (g) Supporting schedules showing special pledges or revenue to special funds or appropriations.

The estimates so given, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions of the city government for the ensuing period. Sufficient copies of such budget message and estimate of the

city manager shall be prepared so that each city commissioner may be furnished with a copy, and additional copies shall be available, in the office of city clerk, for inspection by the public.

In addition, the city manager will include a separate financial forecast, based on recurring revenues and expenditures, projected five years into the future. Proposed new revenues and expenditures will be included as optional variables. The forecast will include a discussion of underlying assumptions and methodology.

SECTION 2. That this ordinance shall not take effect unless the same is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on _____. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment
Requiring Five Year Financial Forecast

Should the Charter of the City of Fort Lauderdale, Florida, be amended to provide that in addition to an annual budget recommendation, the city manager shall provide each year a separate financial forecast, based on recurring revenues and expenditures, projected five years into the future.

YES, for approval ____ NO, for rejection ____

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors.

PASSED FIRST READING this the _____ day of _____, 2010.
PASSED SECOND READING this the _____ day of _____, 2010.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM2009\Charter Board.wpd

C-09-

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

EXHIBIT 2